

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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2005 MAR 15 P 1:31

RODNEY G. SMITH, EXECUTIVE DIRECTOR
Of the TEAMSTERS UNION 25 HEALTH
SERVICES & INSURANCE PLAN,
Plaintiff,

V.

MARK EQUIPMENT, CORP.,
Defendant,

and

EASTERN BANK,
Trustee.

Civil Action No.
05-10008-RGS

AFFIDAVIT OF BRIAN M. MASER, ESQUIRE

I, Brian M. Maser, state as follows:


1. My name is Brian M. Maser. I am associated with the law firm of Dwyer, Duddy and Facklam, P.C., which at all times material herein has been counsel of record for the Plaintiff ("The Plan") in the above-captioned action.
2. The Plan, on February 19, 2003, recovered judgment in C.A. No. 00-10292-RGS in the amount of \$6,671.03, together with attorneys' fees of \$5,137.50 against Mark Equipment, Corp ("The Defendant").
3. The Defendant has paid \$6,671.03 toward the judgment, but the Defendant has failed to pay the attorneys' fees of \$5,137.50.
4. The total amount owed by the Defendant is \$5,137.50.
5. The Defendant is neither an infant or incompetent person nor in the military service of the United States.
6. To date, the amount of time this office has expended pursuing the attorneys' fees owed the Plan has been 4.6 hours.

7. Pursuant to financial arrangements made by this office with the Plan, services performed by this office for the Plan were charged at the rate of \$190.00 per hour. Accordingly, the amount of attorneys' fees incurred by the Plan is \$874.00.

8. The Plan has also incurred costs of \$150.00 in pursuing the attorney's fees.

Signed under the pains and penalties of perjury
this 4th day of March, 2005

Respectfully submitted,
For the Plaintiff,
**Rodney G. Smith, Executive Director
Of the Teamsters Union 25 Health
Services & Insurance Plan,**
By his attorneys,



Matthew E. Dwyer (BBO# 139840)
Brian M. Maser (BBO# 655667)
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Dated: 3 April 2005
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